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AMTA American Mobile Telecommunications Association

The Business Communications Industry Advocate

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January 15, 1998

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

via Hand Delivery
Magalie Roman Salas, Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, D.C. 20554

Re: Notice of oral and written ex parte presentation
CC Docket No. 94-54 -- CMRS Interconnection and Resale Obligations
CC Docket No. 95-116 -- Wireless Number Portability
MD Docket No. 96-186 -- 1997 Regulatory Fees
CC Docket No. 97-213 -- CALEA Obligations
CC Docket No. 96-45 -- Universal Service
PR Docket No. 89-552 -- 220 MHz Licensing

Dear Secretary Salas:

On January 14, 1998, the American Mobile Telecommunications Association, Inc. (AMTA) made oral and written *ex parte* presentations concerning the above-referenced proceedings in separate meetings with Commissioner Harold Furchtgott-Roth and Legal Adviser Helgi Walker, and with Commissioner Susan Ness and Legal Adviser David Siddall. The meetings consisted of a general discussion concerning the cumulative effect of current or potential regulations on small entities offering business-oriented wireless services. A short written list of discussion points was presented, describing the business and industrial wireless industry and urging relief from unduly burdensome regulations.

In addition, AMTA urged the FCC to provide to 220 MHz incumbent systems the same flexibility to add or relocate facilities within existing service contours that has been granted to incumbents in other wireless services in which geographic overlay licenses have been awarded throug competitive bidding. Commissioners were also requested to adjust the protected service area of 220 MHz incumbent systems to reflect a 28 dBu service contour, rather than the current 38 dBu protected contour, with minimum co-channel station separation of 170 kms, as has been recommended by AMTA and the 220 MHz industry in Petitions for Reconsideration of the FCC's *Fourth Report and Order* in the 220 MHz proceeding.

Pursuant to Section 1.1206 of the Commission's Rules, 47 C.F.R. § 1.1206, an original and one copy of this Notice have been submitted, with two copies of the written presentation, for each proceeding mentioned in it.

Respectfully submitted,

Jill M. Lyon
Vice President for Regulatory Relations

Enclosures

cc: Hon. Susan Ness
Hon. Harold Furchtgott-Roth
David Siddall, Esq.
Helgi Walker, Esq.

AMTA
American Mobile Telecommunications Association

DISCUSSION POINTS

- The FCC has been effective in promoting wired and wireless local loop competition, as evidenced by the successful introduction of telephonic services offered by ILECs, CLECs, PCS, cellular, ESMR and others.

- Congress attempted to support this policy by developing a CMRS/PMRS mobile wireless delineation in 1993, and by creating a reciprocal rights/obligations framework for all telecommunications carriers in 1996.

- These FCC and Congressional efforts now need to be fine-tuned to preserve and promote comparably pro-competitive opportunities in the traditional SMR marketplace, one characterized by small businesses providing cost-effective, spectrum-efficient, primarily dispatch service to large and small businesses and local government entities.

- Traditional SMR systems do not have sufficient spectrum to compete with broadband wireless services. They are not targeting the wireless local loop customer, or even the individual or mobile professional who wants ubiquitous wireless telephone capability.

- The companies that rely on traditional SMR systems have made a business decision that they need primarily dispatch service for communications among employees, not sophisticated offerings, such as PCS, which are more complicated and costly than their requirements will support.

- FCC rules relating to obligations including number portability, roaming, universal service and CALEA, as well as high regulatory fees that assume full system interconnection, currently or potentially fail to distinguish between these systems and spectrum-rich wireless telephonic CMRS services such as cellular and PCS. They thereby impose operational, technical and financial requirements that traditional SMR systems are incapable of meeting. The result is contrary to the objective of creating a level, pro-competitive regulatory environment.

- A more flexible and realistic regulatory classification process will ensure that genuinely competitive services are subject to comparable rules. ***AMTA applauds the FCC's recent decision to revise its E911 rules; its amended definition of covered SMR, PCS and cellular systems makes such an appropriate delineation among different classes of service that may well be useful in approaching other obligations.***

- The public deserves a balanced spectrum management policy that allows users to select between consumer-oriented telephone services such as PCS, and those focused on meeting the primarily dispatch communications needs of the business community, at a reasonable cost. The needs of consumers have been satisfied with PCS and other wireless allocations. The business and industrial user community must also be addressed by ensuring the availability of spectrum capacity suitable for third-party systems designed to meet their communications requirements.

Thus, AMTA urges the FCC to recognize the needs of business and industrial wireless, through:

1) eliminating or easing unreasonable regulatory burdens that are financially or administratively onerous, or technically unfeasible, for small business wireless carriers;

2) creating new spectrum opportunities for business and industrial wireless services, achievable by small business owners.